

## REMARKS

Claims 39, 41-48, 50-54, and 56-67 were pending when last examined. Claims 44, 52, 58, 59 and 66 have been cancelled, and claims 39, 45-48, 53, 54, 60-64 and 67 have been amended. No new matter has been introduced. Support for the amendment can be found at least in FIGS. 1, 2, 3 and 7 and in the corresponding description in the specification.

### **Claim Rejections – 35 USC § 102**

Claims 39, 41-44, 46-48, 50-52, 54, and 56-58 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,704,929 to Ozer et al. (“Ozer”). Applicants respectfully traverse the rejections.

Claim 39, as amended, recites a method implemented by an apparatus for processing multimedia content and information related to multimedia content consumption. The method includes receiving a multimedia program having a program identifier identifying the multimedia program, and receiving content description about the multimedia program. The apparatus collects information about consumption of multimedia content, the collected information identifying a user action related to consumption of content in the multimedia program. A usage history is stored in the apparatus, the usage history including a user action list that includes a user action item corresponding to the user action. The user action item includes the program identifier and a link to a particular location where a specific element of the content description about the multimedia program is located, wherein the specific element of the content description is related to the content consumed from the multimedia program in relation to the user action and the particular location is separate from the user action list. The apparatus uses the usage history to generate user preference information including a user preference item and a preference value corresponding to the user preference item, wherein the user preference item corresponds to the specific element of the content description.

Applicants respectfully submit that Ozer fails to disclose several limitations of claim 39. Ozer discloses viewer behavior information that can include Channel ID, Subscriber ID,

Program ID, Title, City and State of the channel, date and time and other categories illustrated in Ozer's FIG. 4. *See* Ozer at col. 11:47-61. Ozer, however, fails to disclose a user action item including a link to a particular location where a specific element of the content description about the multimedia program is located, wherein the specific element of the content description is related to the content consumed from the multimedia program in relation to the user action and the particular location is separate from the user action list, as required by the claim. Although Ozer discloses that the viewer behavior can be sent to a central clearing house where additional information "can be linked to the viewing behavior" (see Ozer at col. 11:1-8), Ozer fails to disclose that its viewer behavior has the user action item including a link to a particular location where a specific element of the content description about the multimedia program is located.

Furthermore, as the Examiner admitted, Ozer also fails to disclose using the usage history to generate user preference information including a user preference item and a preference value corresponding to the user preference item, wherein the user preference item corresponds to the specific element of the content description, as required by the amended claim.

Because Ozer fails to disclose at least the above discussed limitations, claim 39 is allowable. Claims 41-43, 46, and 47 depend from claim 39, and are allowable for at least the same reasons.

Independent claims 48 and 54 recite limitations similar to those discussed above with reference to claim 39. As Ozer fails to disclose those limitations, claims 48 and 54 are allowable. Claims 50, 51, 56, and 57 are dependent claims which are allowable for at least the same reasons as their respective base claims.

**Claim Rejections – 35 USC § 103**

A. Claims 45 and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer. Applicants respectfully traverse the rejections.

Claim 45 depends from claim 39 and recites that the link to the particular location

includes a URL. As discussed above with reference to claim 39, Ozer fails to disclose the claimed link. Lacking the claimed link, Ozer cannot disclose that the link includes a URL.

The Examiner also took Official Notice that “it is notoriously well known in the art to use a URL to link files in a data base.” Office Action of Jan. 31, 2007, at 5. Applicant respectfully challenges the Examiner’s Official Notice, as the claim is not directed to the general use of URL in a data base. Instead, claim 45 requires a user action item including a link to a particular location where a specific element of the content description about the multimedia content is located, and wherein the link to the particular location includes a URL. The Examiner failed to provide evidence that the claimed use of URL was known in the prior art.

In sum, Ozer fails to disclose or suggest the claimed link, and accordingly, claim 45 is allowable.

Claim 53 depends from claim 48, and requires limitations similar to those discussed above with reference to claim 45. Because Ozer fails to disclose or suggest those limitations, claim 53 is allowable.

**B.** Claims 60-65 and 67 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of U.S. Pat. 7,051,352 to Schaffer (“Schaffer”). Applicants respectfully traverse the rejections.

Claims 60 and 61 depend from claim 39, claim 62 depends from claim 48, and claim 63 depends from claim 54. As discussed above with reference to their base claims, Ozer fails to disclose at least the claimed link. Schaffer is also lacking. Because neither Ozer nor Schaffer discloses the claimed link, claims 60-63 are allowable.

Claim 64, as amended, recites a user action list that lists at least the user action and includes the program identifier, a corresponding user action time, and a link to a particular location where a specific element of the content description is located, wherein the particular location is separate from the user action list. As discussed above with reference to claim 39, Ozer fails to disclose such link. Schaffer is also lacking. Because neither Ozer nor Schaffer discloses the claimed link, claim 64 is allowable. Claims 65 and 67 depend from claim 64

and are allowable for at least the same reasons.

**CONCLUSION**

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

6/25/07

Date

Richard A. Pazmandi

Signature

Respectfully submitted,

By:



Ferenc Pazmandi

Agent of Record

Limited Recognition No. L0078

FP/rp

June 25, 2007

SIDLEY AUSTIN LLP  
555 California Street, Suite 2000  
San Francisco, CA 94104-1715  
(415) 772-1200